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April 19, 2022

Via ECF

Hon. Naomi Reice Buchwald, U.S.D.J.
United States District Court, S.D.N.Y.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 21A
New York, NY 10007-1312

Re: Request for So Ordered Subpoena ad Testificandum
Case No. 1:21-cv-01791 (NRB) — *Rachel Filsoof v. Andrew J. Cole*

Dear Judge Buchwald:

Please find a proposed So Ordered subpoena to REDACTED (one of Plaintiff's REDACTED) annexed hereto as Ex. A.¹ This request was necessitated by Plaintiff's denial of her own declarations appearing in Ms. REDACTED's medical records and the foreseeable need to ask Ms. REDACTED if her records of Plaintiff's (false) declarations were accurately recorded.² Ms. REDACTED's counsel indicated he was available April 29, 2022 for her deposition, but requested one of two things before proceeding with Ms. REDACTED's deposition:

- 1) Plaintiff to check an existing box on her existing HIPPA authorization, simply authorizing Mr. Cole's counsel "to discuss" Plaintiff's "health information" with Ms. REDACTED, or
- 2) A So Ordered subpoena for Ms. REDACTED's testimony.

I immediately relayed Ms. REDACTED counsel's request for item "1" above to Plaintiff's counsel when I received it on Friday April 15, 2022 and asked for their availability on April 29, 2022. Notwithstanding the foregoing, Plaintiff's counsel has refused to provide any response regarding their availability or authorization, despite multiple follow up requests for the scheduling availability/authorization sought by our exceptionally low burden request. Accordingly, with fact discovery ending April 29, 2022, we wanted to get this before the Court promptly to prevent any unnecessary delay, and respectfully request Your Honor So Order Ex. A.

¹ Exs. A & B are confidential and excluded from this ECF filing but included in Mr. Cole's courtesy copies to Chambers.

² These statements include multiple objectively false declarations by Plaintiff, e.g., that Mr. Cole "REDACTED" and has "REDACTED." See Ex. B (confidential REDACTED records).

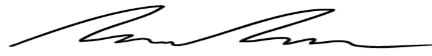
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Respectfully submitted,

By: 
Robert B. Lower

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cc: Tom Fini, Adam Sherman, John P. Bostany, Petroula Thomas, and Samantha B. Welborne
(counsel for Ms. Filsoof); Daniel Schneider and Michael Farber (counsel for Mr. Cole)